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Serial No. 10/626,414
Response to Official Action

In the Drawings

No amendments are made to the drawings herein.

Remarks

By the foregoing Amendment, Claim 1 is amended. Entry of the Amendment, and favorable consideration thereof is earnestly requested in light of the following remarks.

The Examiner has rejected Claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Applicant has amended Claim 1 so as to comply with 35 U.S.C. 112, second paragraph.

The Examiner has rejected independent Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Hensler-DE3802907 ("Hensler"). The Applicant respectfully submits that Claim 1 as currently amended is not anticipated by Hensler.

Hensler does not disclose all of the elements of the named invention claimed in Claims 1-6. Hensler is missing the element wherein the push pin is inserted, at least partly in a form-locking connection, into a rigid casing, which in turn is inserted, at least partly in form-locking connection, into the shaft as required by now amended independent claim 1. Rather, Hensler, as can be seen from FIG. 2 discloses a push pin 13 that is stored in a casing 12 which is soldered or welded to suction pipe 6 of the shaft assembly 7. The casing 13 is not inserted, at least partly in form-locking connection, into a shaft as required by independent claim 1, rather the casing is welded to the suction pipe of the shaft assembly 7.

Hensler is also missing a push pin that is mounted secure against rotation at least in some section in the casing as required by independent Claim 1. According to the Hensler reference the push pin is circular in cross section and stored in a tubular casing. Therefore the push pin of this known medical instrument is not secure against

rotation inside the casing. Applicant respectfully submits that Claim 1 as amended is not anticipated by Hensler.

Furthermore, there is not motivation or teaching to modify Hensler to arrive at the claimed invention. There is no suggestion in Hensler that the push pin is inserted, at least partly in form-locking connection, into a rigid casing, which in turn is inserted, at least partly in form-locking connection, into the shaft. Rather, Hensler teaches that a single form-locking casing in which the push-pin is inserted is sufficient to prevent tilting or bending of the pushpin inside the form-locking case. However, Hensler does not disclose a means of prevent rotation of the push pin. Rather, Hensler teaches that the push pin rotates in the casing because the push pin has a circular cross section and is stored in a tubular casing, which allows rotation of the push pin.

For the foregoing reasons, Applicant respectfully submits that pending claims 1 – 6 are patentable over the reference of record.

Respectfully submitted,



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